

HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

AND

HON'BLE SRI JUSTICE G. BHAVANI PRASAD

Writ Petition No.23565 of 2005

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Between:

All India Students Federation (AISF),
Kurnool District Council, Kurniool ... Petitioner

And

The Government of India, rep. by its Secretary,
Ministry of Human Resources,
New Delhi and others.

... Respondents

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:: ORDER ::

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Counsel for the Petitioner: Sri Challa Srinivas Reddy

Counsel for Respondents No.2 to 4: G.P. for Social Welfare

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Counsel for Respondent No.1: Sri Aruna Yalagiri

Mrs.H. Seetha Devi

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February 02, 2006

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Per G.S. Singhvi, CJ

In this petition filed by way of public interest litigation, the petitioner has prayed for quashing proceedings No.CL/99/05 dated 20-9-2005 vide which respondents No.3 and 4 are said to have handed over Kurnool District Society for the Rehabilitation of Child Labour, Kurnool (KDSRCL) to Non-Governmental Organisations (NGOs).

The petitioner has averred that for the purpose of implementing the programme innovated by the Government of India, District Collector and Project Director, KDSRCL, Kurnool have been maintaining various centers where students belonging to Schedule Caste, Schedule Tribe and minority communities are imparted education and training, but, by issuing the impugned proceedings, the centers have been handed over to the NGOs. It has been further averred that the decision to hand over the centers meant for the benefit of the students of poor families belonging to Schedule Caste etc., to NGOs will jeopardize their studies. According to the petitioner, the impugned decision has been taken with a view to

benefit private individuals and it has nothing to do with the interest of the poor children.

In the counter-affidavit filed by Sri K.Srinivasappa, Project Director, KDSRCL, Kurnool, it has been averred that KDSRCL was registered in 1995 for rehabilitation and eradication of child labour. In the same year, Ministry of Labour, Government of India, New Delhi sanctioned about 200 centers in the Kurnool District out of which 38 centers were allotted in the year 1995-96 and 16 in the year 1996-97 to NGOs. About 12 centers in 1996-97 and two centers in 1997-98 were sanctioned to the Field Officers to be run as residential centers. Subsequently, 24 centers have been cancelled due to various reasons. According to respondent No.4, 93 centers are working as on today, out of which 67 centers are being run by NGOs. Respondent No.4 has denied the allegation that transfer of the center to Non-Governmental Organisation is intended to benefit the said organization. Rather, the impugned decision has been taken in accordance with Para 5.52 of the guidelines issued by the Government of India. In paras 4 and 5, Sri K. Srinivasappa has averred as under:

“4. In reply to para 5 of the affidavit it is submitted that the contention of the writ petitioner that the respondents 3 and 4 have decided the KDSRCL, Kurnool to hand over to the Non Governmental Organisation as per the proceedings dt.20-9-2005, and the said decision is contrary to the Scheme and further the writ petitioner also contended that pursuant to the said decision, neither Government nor the students will get any benefit, but only Non Governmental Organisations (private persons) will be benefited is not correct. In fact, as per the guidelines issued by the Government of India in the year 1995, para 5.52 of the Guidelines categorically says that the said project should be implemented by Voluntarily Organisations, apart from that in the year 2003 the Government of India also issued revised Guidelines. Part 3 of the said Guidelines categorically says “(ii) it is necessary to involve suitable voluntary organizations in the implementation of the Project, especially in the running of the Special Schools, However, the Project Society can itself directly execute some of the programme activities. The Project Society would draw up its own criteria regarding the eligibility of Non Governmental Organisations (NGOs) for associating them in the Project activities”. Pursuant to the Guidelines of the Government of India, the District Collector has taken a decision to hand over the rest of 26 centers which were run by the Field Officers and have been allotted to the Non Governmental Organisations. Basing on the said orders of the District Collector, the impugned order was passed on 20-9-2005 directing the Field Officer to hand over to the Child Labour Centers immediately to the Non Governmental Organisations and also Mainstream of all the children into Formal Schools besides admission into Govt. Hostels for SC., ST., BC where there is possibility. As such, the

action of the respondents 3 and 4 is only in pursuance of the revised guidelines issued by the Government of India. Further, the allegation of the writ petitioner that in order to give benefits to private persons, those centers are handed over to Non Governmental Organisations is absolute false. Apart from that, the apprehension of the writ petitioner that the students who are studying in the said centers whichever handed over to the NGOs. and their studies are also damaged is also incorrect. From the year 1995-96 onwards, reputed Non-Governmental Organisations run the centers and no complaint whatsoever was received till date.

5. In reply to para 6 of the affidavit it is submitted that the contention of the writ petitioner that the representation dt.10-9-2005 has been submitted to the District Collector and in which it was stated that if any action has been taken by cancelling the centers, the students who are studying in the centers nearly 1150 would be remained as Child Labour. Accordingly, they requested to continue the centers. Basing on the said representation and in view of the guidelines issued by the Government of India, all the remaining 26 centers have been allotted to the NGOs. and accordingly orders were passed on 20-9-2005. Therefore, there is no question of cancelling the centers and, as per the guidelines, they are running the centers. It is also not of place to mention that the reason being handing over these centers to the NGOs is on the ground that the Field Officers who are teachers of Education Department are working on deputation basis only. They are not regular employees of the project. The Field Officers have not undergone formal training on eradication of child labour. Basically they have to supervise the child labour schools only and not organize the child labour centers. Further, their absence in the regular schools in which they are working also affects the studies of the regular schools children. It is submitted that Field Officers of the project have submitted collectively their unwillingness to organize the child labour residential schools. Accordingly, orders were passed in handing over the centers to the Non Governmental Organisations. In reply to para 6 it is submitted that all the children are admitted into formal schools during the middle of the academic year itself and no child has suffered irreparable loss and damage as alleged by the petitioner.

We have heard learned counsel for the parties. Though the writ petition has been described as public interest litigation, the same appears to be a piece of publicity interest litigation because the petitioner has not been able to show that the transfer of KDSRCL, Kurnool to Non-Governmental Organisations is contrary to the Scheme framed by the Government of India or will be detrimental to the interest of the students belonging to the poorer sections of the society. It has not even denied the assertion contained in the affidavit of Sri K. Srinivasappa that large number of centers established in pursuance of the Scheme framed by the Government of India

are being run by Non-Governmental Organizations.

In the premise aforesaid, we hold that the petitioner has failed to make out a case for issuance of a writ for quashing proceedings dated 20-9-2005 or for restraining the respondents from allowing Non-Governmental Organisations to run KDSRCL, Kurnool. Consequently, the writ petition is dismissed.

G.S. SINGHVI, CJ

G. BHAVANI PRASAD, J

February 02, 2006

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